

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT
CIVIL ACTION
NO. 2677CV0812

MICHAEL WALSH

vs.

STATE BALLOT LAW COMMISSION, ADAM ROOF and
WILLIAM GALVIN, in his capacity as SECRETARY OF STATE

**MEMORANDUM OF DECISION AND ORDER ON PLAINTIFF'S
EMERGENCY PARTIAL MOTION FOR JUDGMENT ON
THE PLEADINGS (Paper No. 9) and STATE BALLOT LAW COMMISSION'S
CROSS-MOTION FOR JUDGMENT ON THE PLEADINGS (Paper No. 11)**

This is an action for judicial review, pursuant to G.L. c. 55B, § 4, and G.L. c. 30A, § 14, brought by plaintiff Michael Walsh, who seeks the Republican nomination for Attorney General, regarding an objection filed by defendant Adam Roof to the genuineness of certain voter signatures on Walsh's nomination papers.

After an evidentiary hearing on June 23, 2026,¹ defendant State Ballot Law Commission ("SBLC") issued a decision ("Decision") on June 26, wherein it sustained Roof's objection and invalidated 1,021 of the 10,677 signatures on Walsh's nomination papers, leaving him with less than the 10,000 certified signatures required by law to appear on the Republican State Primary ballot ("Ballot"). Consequently, the SBLC ordered that Walsh's name shall not appear as a candidate on the Ballot.

This action came before the Court on July 8 and 9 for a hearing on Plaintiff's Emergency Partial Motion For Judgment On The Pleadings (Paper No. 9) ("Motion")

¹ All events discussed herein occurred during 2026.

and State Ballot Law Commission's Cross-Motion For Judgment On The Pleadings (Paper No. 11) ("Cross-Motion").

This matter has brought this Court to the intersection of serious, credible allegations of voter signature fraud and the Rule of Law. As is fully explained below, despite substantial evidence in the record of signature fraud, the Court is constrained to rule that the SBLC lacked jurisdiction to hear Roof's objection.

Accordingly, the Court must **ALLOW** the Motion, **DENY** the Cross-Motion, **REVERSE** the Decision, and **VACATE** the SBLC's order barring Walsh's name from appearing on the Ballot.

OVERVIEW OF THE RELEVANT LEGAL FRAMEWORK

Before discussing the allegations at issue before the SBLC, the Court will briefly discuss aspects of the pertinent statutory framework.

"To appear on the ballot, candidates . . . are required by statute to, among other things, submit nomination papers containing a minimum number of certified voter signatures." Goldstein v. Sec'y of the Commonwealth, 484 Mass. 516, 518 - 519 (2020) (citing G.L. c. 53, § 44). In the case of a candidate for statewide office, like Walsh, the nomination papers must contain at least 10,000 "certified" signatures to qualify as a candidate. See G.L. c. 53, § 44 ("[i]n the case of the governor, lieutenant-governor, attorney general and United States senator, nomination papers shall be signed in the aggregate by at least ten thousand voters").

As to the requirement that the signatures must be “certified,” the SJC has explained that:

To qualify as ‘certified,’ a signature must be of a voter registered in the geographic area corresponding to the office for which the candidate is seeking nomination. . . . In addition, if the candidate is seeking the nomination of a particular political party, as is the case with [Walsh], the voter must be registered with the same party or as ‘unenrolled,’ meaning registered to vote, but with no party affiliation. . . . Accordingly, for a candidate like [Walsh], seeking the Republican Party nomination for [Attorney General], a Statewide office, signatures may be secured from voters registered anywhere in Massachusetts as either Republicans or unenrolled.

Goldstein, 484 Mass. at 519 (citing G.L. c. 53, §§ 7 and 37) (citations omitted).

Generally speaking, signatures are “certified” by local election officials, who compare the name of the signatory on the nomination papers to the municipality’s list of registered voters. See G.L. c. 53, § 46. Because signatures are certified by officials of the town in which the signatory is registered to vote, candidates collect signatures by town on separate nomination forms.

Under G.L. c. 55B, § 5, “[r]egistered voters from the district in which a candidate seeks nomination have three days from the filing deadlines with the Secretary to file objections to nomination papers with the [SBLC].” Goldstein, 484 Mass. at 521.

The SBLC, which was created by statute in 1889, McCarthy v. Sec’y of Commonwealth, 371 Mass. 667, 673 n.6 (1977), is charged with conducting an evidentiary hearing and deciding the merits of an objection. See G.L. c. 55B, §§ 4, 5.

As is discussed more fully below, upon filing an objection with the SBLC, an objector like Roof must comply with certain notice and service requirements to secure an evidentiary hearing before the SBLC regarding the merits of the objection.

BACKGROUND

The following evidence is taken from the administrative record, consisting of eleven Volumes ("Vol. 1 – 11"), containing in excess of 1,600 pages.²

Procedural Background

On June 2, Walsh, a Republican candidate for Attorney General, timely filed nomination papers with the Secretary of State ("Secretary") containing 10,677 certified voter signatures, thus exceeding the statutory requirement of 10,000 signatures to qualify as a candidate for statewide office. See G.L. c. 53, § 44.

On June 3, Roof filed an objection before the SBLC challenging the genuineness of some of the signatures on Walsh's nomination papers. In the Objection, Roof alleged that:

[N]umerous names and addresses of certified signatures were written by the same hand . . . numerous certified signatures were not signed in person by the voter . . . numerous certified signatures were signed by people who are not registered voters . . . numerous certified signatures are signed by people, although registered are not eligible to be registered . . . numerous certified signatures are non-genuine. numerous certified signatures have been fraudulently obtained. . . . numerous certified signatures are of voters who requested that their name be removed from the petition . . . numerous certified signatures were certified twice.

Objection, Administrative Record, Volume 11, pp. 1512 – 1513.

On June 16, the SBLC heard arguments on the following motions to dismiss the Objection filed by Walsh: (i) Motion to Dismiss for Lack of Standing, wherein he argued that Roof lacked standing to challenge his nomination as a Republican candidate because Roof is a registered Democratic and is, thus, not eligible to vote in the

² Additional relevant facts are discussed, *infra*, in the Discussion section.

Republican Primary; (ii) Motion to Dismiss for Lack of Certified Mail (“Mail MTD”), wherein Walsh argued that Roof failed to strictly comply with requirements set forth in G.L. c. 55B, § 5, par. 9, regarding service of the Objection on Walsh; and, (iii) Motion to Dismiss for Failure to Timely File and Disclose the List of Challenged Signatures (collectively, “MTDs”), wherein he argued that the list of signatures that Roof challenged failed to comply with certain service and content requirements. See G.L. c. 55B, § 5; 950 Code Mass. Regs. 59.04(1)(f).

The SBLC denied the MTDs and scheduled an evidentiary hearing on the Objection.

The Evidentiary Hearing Before The SBLC

On June 23, a hearing before the SBLC was held on the merits of the Objection. The SBLC heard testimony from 7 witnesses and received 6 exhibits.

Jennifer L. Naso, a forensic document examiner, who worked for five years as a document analyst for the United States Secret Service, testified. Using high-resolution images of signatures on Walsh’s nomination papers and certain signature exemplars of registered voters, Naso opined, and the SBLC credited, that the following was more likely true than not true: one person wrote 241 certified signatures of Scituate voters on thirteen pages of the nomination papers;³ one person wrote 690 certified signatures of Weymouth voters on 30 pages of the nomination papers; and, more than one person wrote 90 certified signatures of Weymouth voters on four of the nomination papers that

³ Although Naso did not examine the signature exemplars for these 241 signatures, the members of the SBLC did so, and they agreed with Naso’s opinion. See Decision, p. 14.

are not genuine. After comparing known signatures of hundreds of signatories on Walsh's nomination papers, Naso further opined that 770 signatures were not genuine.

Evidence was presented that Joseph Bronske, a "signature gatherer" consultant, obtained an electronic (spreadsheet) list of Republican and unenrolled Weymouth voters from the Massachusetts Republican Party, who had generated it from their "Numinar" database ("Numinar Spreadsheet").⁴

Anne Brensley, who had been the endorsed candidate for the Republican nomination for Lieutenant Governor and had retained Bronske to gather signatures, testified that she determined that the names of Weymouth voters on the nomination papers gathered by Bronske were in the exact same order as they appeared on the Numinar Spreadsheet.⁵ Brensley also found that the nomination papers she and Walsh each submitted to the Weymouth Town Clerk for certification contained the same names in the exact same order.⁶

Harold Hubschman, a longtime professional signature gatherer in Massachusetts and other states, opined that 665 certified signatures of Weymouth voters appeared on 29 pages of Walsh's nomination papers in the identical order (with one deviation) as on

⁴ As best as the Court can discern, Numinar is a software voter database platform.

⁵ A thumb drive containing the Numinar Spreadsheet in its electronic form was admitted into evidence at the SBLC hearing as Exhibit 2A. However, the thumb drive is not included in the administrative record filed with the court. The absence of this evidence in the record is immaterial to the Court's analysis.

⁶ Brensley testified that she refused to submit any nomination papers containing signatures gathered by Bronske and, as a result, she failed to meet the threshold number of certified signatures to have her name included on the Ballot.

29 pages of the nomination papers of Anne Manning-Martin, a candidate for Lieutenant Governor, that had also been gathered by Bronske.

The Decision

On June 26, the SBLC issued the Decision wherein it sustained the Objection and invalidated 1,021 signatures on Walsh's nomination papers, consisting of 241 certified signatures of Scituate voters and 780 certified signatures of Weymouth voters, leaving Walsh with less than the 10,000 required certified signatures. Consequently, the SBLC ordered that Walsh's name shall not appear as a candidate on the Ballot.

The SBLC ruled that Roof met his burden to show that the invalidated signatures failed to comply with Massachusetts law, which requires, with one exception not at issue here, that "[e]very voter signing a nomination paper shall **sign in person as registered or substantially as registered**, and shall state the address where he or she is currently registered." G.L. c. 53, § 7 (emphasis added); see Decision, p. 12 at § B.

DISCUSSION

I. THE LEGAL FRAMEWORK FOR THE REVIEWING COURT

According to G.L. c. 55B, § 4, appeals of decisions of the SBLC are governed by G.L. c. 30A.

Pursuant to G.L. c. 30A, § 14(7), this Court may reverse, remand, or modify an agency decision only if the decision is "based on an error of law, unsupported by substantial evidence, unwarranted by facts found on the record as submitted, arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law." Mass. Inst. of Tech. v. Dep't of Pub. Utils., 425 Mass. 856, 868 (1997). "The court shall make

[its decision] upon consideration of the entire record, or such portions of the record as may be cited by the parties." G.L. c. 30A, § 14(7), par. 2.

"As the party challenging an agency decision under G.L. c. 30A, § 14, [Walsh] has the burden of proof to demonstrate the invalidity of the administrative determination." Brockton Redevelopment Auth. v. Exec. Office of Hous. & Livable Cmtys., 105 Mass. App. Ct. 691, 695 (2025).

The Court is required to give "due weight to the experience, technical competence, and specialized knowledge of the agency, as well as to the discretionary authority conferred upon it." G.L. c. 30A, § 14(7). Nevertheless, "[the] approach 'is one of deference and restraint, but not abdication.'" Brockton Redevelopment Auth., 105 Mass. App. Ct. at 695.

II. THE SBLC LACKED JURISDICTION TO HEAR THE OBJECTION BECAUSE ROOF FAILED TO STRICTLY COMPLY WITH THE SERVICE REQUIREMENTS OF G.L. c. 55B, § 5, par. 9

During the hearing before the SBLC on the Mail MTD, Walsh argued that the Objections must be dismissed because Roof failed to comply with the mailing requirement in G.L. c. 55B, § 5, par. 9 ("Paragraph 9"), and that without such compliance, the SBLC lacked jurisdiction to hear the Objection.

Paragraph 9 states as follows:

Anyone filing an objection under this section shall not later than the day after which it is filed, mail by registered or certified mail, return receipt requested, a copy of such objection as filed with the commission to the candidate against whose nomination papers, initiative and referendum petition or primary nomination, such objection is made. Failure to do so shall invalidate any objection filed with the commission.

G.L. c. 55B, § 5, par. 9 (emphasis added).

Thus, Paragraph 9 has two components: a method component, i.e., that the method of service must be by registered or certified mail with a request for a return receipt;⁷ and, a timing component, i.e., that the certified mail must be mailed by the end of the day following the filing of the objection with the SBLC.

There is no dispute that Roof failed to comply with the method component of Paragraph 9. See Decision, p. 3. The SBLC nevertheless denied Walsh's request to dismiss the Objection, finding that the failure did not prejudice Walsh because he (admittedly) received the Objection via email and regular mail. See Decision, p. 3.

While acknowledging that Paragraph 9 uses mandatory language, see Uglietta v. City Clerk of Somerville, 32 Mass. App. Ct. 742, 744 (1992) (stating that "the general rule [is] that the statutory use of the word 'shall' is to be given a mandatory meaning"), expressly stating that the objector "**shall**" comply with it and that the "[f]ailure to do so **shall** invalidate any objection filed with the commission," the SBLC ruled that Paragraph 9 did not require the dismissal of the Objection because Walsh suffered no prejudice from the violation. The SBLC based this ruling on two legal propositions.

First, citing the case of Cinder Prods. Corp. v. Schena Const. Co., 22 Mass. App. Ct. 927, 928 (1986), the SBLC reasoned that, notwithstanding the mandatory language in Paragraph 9, they had the authority to accept the Objection based on "the well-recognized ability of agencies of the Commonwealth to excuse prescriptive service requirements where actual, timely service is proved." Decision, p.4.

⁷ For sake of simplicity, the Court will refer to the requirement that the Objection must be mailed by registered or certified mail, return receipt requested, simply as "certified mail."

Second, citing Swift v. Board of Registrars of Voters of Quincy, 281 Mass. 271, 276 (1932), the SBLC ruled that it “has authority to interpret its enabling statute, including the treatment of mandatory, statutory requirements, in a manner that does not contravene the legislative purposes of the election laws.” Decision, p. 4. The SBLC further stated that “[t]he word ‘shall’ is used throughout the election laws, but it must be interpreted in a manner that facilitates the legislative intent and purpose of the laws, to have free and fair elections, that are also free from fraud.” Id. at p. 5.

It is this Court’s view that the SBLC’s reasoning is misplaced and that the SBLC erred as a matter of law by failing to dismiss the Objection.

The second sentence of Paragraph 9 clearly states that the “[f]ailure to [comply with the mailing requirements] **shall** invalidate any objection filed with the commission.” Thus, based on the express language of the second sentence in Paragraph 9, Roof’s failure to strictly comply with the certified mail requirement invalidated the Roof Objection by operation of law and stripped the SBLC of jurisdiction to hear the Roof Objection. This is supported by prior decisions of the SBLC.

For example, in Long v. Tierney, SBLC No. 88-14, applying a previous version of Paragraph 9 containing the exact same language, the SBLC stated the following:

This provision is mandatory. The courts and this Commission have consistently held that similar provisions of G.L. ch. 55B, §5 (and its pre-1977 predecessor, G.L. ch. 53, §26) are jurisdictional, and that failure to comply strictly requires dismissal.

...

[I]t is clear that the objector did not comply with the statute, because he did not [timely] mail a copy of the objection to the respondent Therefore, **we must dismiss the objection for lack of jurisdiction.**

Id. at 2-3 (emphasis added).

In Kelly v. State Ballot Law Commission, 316 Mass. 512 (1944), cited by the SBLC in Long v. Tierney, the SJC addressed whether the SBLC had jurisdiction to hear an objection to nomination papers in light of the following (since repealed) statute:

“No such objection **shall** be considered by the boards . . . unless there is filed with such board a certificate of enrolment issued by the board of registrars of voters, or the clerk of the same, where the person filing the objections resides, stating that he is an enrolled voter of the party whose nomination is sought.”

Id. at 514 (quoting G.L. c. 53, § 26).

Attempting to comply with the statute, the objector filed a document that showed that he was a registered voter in a particular ward and precinct of Boston, but it failed to state that “he [wa]s an enrolled voter of the party whose . . . nomination is sought.” Id.

The SJC held that:

In the absence of a “certificate of enrolment” in conformity with the statutory requirement, the [SBLC] had no jurisdiction to consider the objections The language of the statute is clearly mandatory, prohibiting consideration of objections in the absence of a “certificate of enrolment.” We cannot read into the statutory provision any exception on the ground of the probable purpose of the Legislature in enacting it. The statutory prohibition is stated in clear language and must be regarded as expressing the legislative intention.

Id. at 515 – 516.

Like the SJC in Kelly, this Court cannot ignore the clear language of the second sentence of Paragraph 9, which “must be regarded as expressing the legislative intention” to invalidate objections filed by objectors who fail to strictly comply with the certified mail requirement, simply because Walsh suffered no prejudice and the failure may be viewed as nothing more than “careless mailing.” Decision, p. 4. See Hurst v. State Ballot Law Comm'n, 427 Mass. 825, 827 (1998) (“Hurst I”) (holding that signers' addition of a preprinted box, hand stamp, and highlighting of parts of referendum

petition violated requirement in G.L. c. 53, § 22A, that petition be an “exact copy” of the official form petition); cf. Capezzuto v. State Ballot Law, 407 Mass. 949, 956 - 957 (1990) (acknowledging proposition “that ‘exceedingly technical’ arguments should not be permitted to block access to the ballot,” but rejecting argument that “constitutional infirmity” at issue, failure of some signors of initiative petition to see full text of proposed law, was “mere technicality”).

The SBLC’s reliance on Cinder Prods. Corp. and Swift is misplaced. At issue in Cinder Prods. Corp. was the certified mail notice requirement of G.L. c. 149, § 29, which permitted subcontractors on public works projects to seek payment from general contractor’s payment bond. 22 Mass. App. Ct. at 929. Unlike the instant case, the statutory language at issue was not jurisdictional in nature.

In Swift, the SJC was confronted with extraordinary circumstances that are not present here. At issue were ballots cast in Quincy for Lieutenant Governor where the mechanical ballot box failed to “cancel” votes as they were cast (by stamping the name of the city, and the ward and precinct number in which the ballot is cast). 281 Mass. at 272. The statute at issue stated, in pertinent part, that “[i]f the use of a State ballot box is required, no ballot **shall** be counted unless it has been deposited in and cancelled by such ballot box” Id. at 275 (quoting G.L. c. 54, § 106) (emphasis added).

In Swift, “[t]he question to be decided [by the SJC] [wa]s whether . . . uncanceled ballots . . . [actually] cast must be rejected and not counted” solely due to the mechanical failure. Id. Recognizing that “[t]he right to vote is a sacred privilege guaranteed by the Constitution,” id. at 277, the SJC held that, despite the mandatory language in the statute, the uncanceled ballots had to be counted. In so holding, the

SJC stated that “the word ‘shall’ in the election laws has not been given such imperative effect as to circumvent the intent of a voter casting a ballot expressive of his purpose in accordance with the provisions of law.” Id. at 280. Unlike the instant case, “[t]o refuse to count the uncanceled ballots would lead to gross injustice to the voters who cast those ballots and which without the fault of any person were not cancelled because of some slip in a mechanism. It would thwart and not secure true expression of the will of the voters.” Id. at 281.

At bottom, recognizing that “[t]he right to seek elected office . . . is a fundamental constitutional right in Massachusetts,” Goldstein, 484 Mass. at 523, and despite overwhelming evidence in the record of signature fraud, the Court is constrained to rule that the SBLC lacked jurisdiction to hear the Roof Objection.⁸

Accordingly, the Motion must be **ALLOWED** and the Cross-Motion must be **DENIED**.

⁸ In case it becomes relevant on appeal, the Court states the following. The Court has reviewed the administrative record and rules that the SBLC’s decision to invalidate 1,207 of Walsh’s nomination signatures is supported by substantial evidence; and, is absent error of law, arbitrariness, capriciousness, and abuse of discretion.

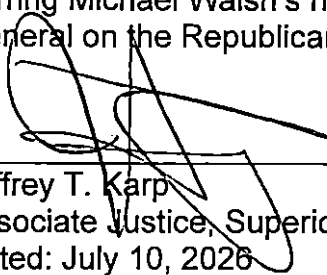
ORDER

For the above reasons, it is **HEREBY ORDERED** that:

1. The Plaintiff's Emergency Partial Motion For Judgment On The Pleadings (Paper No. 9) is **ALLOWED**.

2. The State Ballot Law Commission's Cross-Motion For Judgment On The Pleadings (Paper No. 11) is **DENIED**.

3. The decision of the State Ballot Law Commission, dated June 26, 2026, sustaining the Objection of Adam Roof is **REVERSED** and the Commission's Order barring Michael Walsh's name from appearing as a candidate for the office of Attorney General on the Republican State Primary ballot is **VACATED**.



Jeffrey T. Karp
Associate Justice, Superior Court
Dated: July 10, 2026